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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,580	03/29/2004	Emily L. Hipp	5760-22802	2084
7590	05/23/2005			EXAMINER
B. Noel Kivlin Meyertons, Hood, Kivlin Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767			ENG, DAVID Y	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 05/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/811,580	HIPP ET AL.
	Examiner DAVID Y. ENG	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/9/04.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Applicants are requested to update the status of parent application on the first page of the specification.

Claims 3-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of the claims is not clear. There is no functional relationship between the method steps. It is not clear what the method tries to accomplish. No meaningful result is seen from the method steps.

With respect to all the claims, relationship between virtual network environment and global address space is not clear.

In claim 10, there are no first subnet and no first netmask recited in the claims.

In claim 12, there is no antecedent basis for "the global address space". Note that claim 12 is dependent on claim 3 and not claim 7.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 27-38 are rejected under 35 U.S.C. 102(a) as being anticipated by Abraham (USP 5,978, 568).

See at least the abstract in Abraham. Abraham teaches a system comprising a plurality of computers coupled in a network.

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Danly*; 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959. “[Apparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647. See MPEP 2114. The Abraham reference meets all the structural limitations in the claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (USP 5,734,865).

With respect to independent claims, see at least the abstract and lines 1-7 of column 19 in Yu. Yu teaches:

a method comprising:

defining a global address space identifying a plurality of internet protocol (IP) addresses (inherent in network communication) that are reserved for use in one or more virtual network (see “virtual network” in abstract) environments, wherein each virtual network environment includes one or more of the plurality of IP addresses;

assigning a first IP address of the plurality of IP addresses to a first application;
assigning a second IP address of the plurality of IP addresses to a second application (see assign IP address in column 19 lines 1-7); and

if the first application is to be isolated from the second application, including the first IP address in a first virtual network environment and including the second IP address in a second virtual network environment different from the first virtual network environment. It is well known in communication art that if two IP addresses are to be isolated, they should be assigned to different network environments so that the two applications associated with the IP addresses are separated.

With respect to claim 4, it would have been obvious to a person of ordinary skill in the art to put the two IP addresses in the same environment so that the two applications associated with the IP addresses are able to communicate with each other.

With respect to claims 5, 6 and 8, It is well known that whether an IP address is virtual or physical is dependent on the environment the IP address is in.

Claim 7 merely set forth the definition of global address space.

With respect to claims 9 and 10, since the IP addresses are associated with subnet and netmask as recited in claim 7 and with first and second applications as recited in claim 3, the subnet and the netmask are therefore naturally associated with the first and the second applications as recited in the claims.

Claim 11 merely defined what the netmask and the subnet are with respect to an application.

With respect to claims 12-14, it is obvious that whether or not the applications are able to communicate with each other is dependent on the capability of their associated IP addresses.

It is noted that no further method steps are recited in the dependent claims. The dependent claims merely recite either assignment of IP addresses, definition or communication between applications with their IP addresses.

As to other dependent claims, they do not define above the invention claimed in Claims 4-14 and therefore are rejected for the same reasons.



DAVID Y. ENG
PRIMARY EXAMINER